

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CECIL PARKER

§

V.

§

No. 5:05CV221

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**FRANCIS J. HARVEY, SECRETARY
DEPT. OF THE ARMY**

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**JANICE HAMPTON and GAYLAND
WILLIAMS, U.S. ATTORNEY
GENERAL**

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**PATRICIO ANDRES MD and GENA
BRAGG, DEPT. OF LABOR**

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MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge, dated March 14, 2006, which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. On March 22, 2006, Plaintiff filed a “Confirmation of Compliance to Court Order dated 3-14-2006.” (Dkt. No. 29). The brief Plaintiff filed did not contain formal objections to the Report and Recommendation. It only addressed whether he exhausted his administrative remedies regarding his Title VII claims against the only remaining defendant, Francis J. Harvey, Secretary of the Army. In her Report and Recommendation, the Magistrate Judge ordered Plaintiff to provide to the Court, within thirty days from date of entry of the recommendation, proof of exhaustion of remedies under Title VII.¹

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are

¹ According to Plaintiff's March 22, 2006 submission, Plaintiff states he sent an appeal to the Equal Employment Opportunity Commission on March 17 and March 21 of this year.

correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction, for Failure to State a Claim and for Insufficiency of Service of Process (Dkt. No. 21) is **GRANTED**. It is further

ORDERED that Plaintiff's above-entitled and numbered cause of action against Red River Army Depot; Janice Hampton; Gayland Williams; the United States Attorney for the Eastern District of Texas; the United States Attorney General; Patricio Andres, M.D.; Gena Bragg; and the United States Department of Labor is **DISMISSED WITH PREJUDICE**.²

SIGNED this 3rd day of April, 2006.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE

² As noted above, the only remaining defendant is Francis J. Harvey, Secretary of the Army.